

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	AFFIDAVIT OF JUSTIN FUKUMOTO
HAWAIIAN EXPRESS SERVICE,)	
INC., et al.)	
)	
Defendants.)	
_____)	

AFFIDAVIT OF JUSTIN FUKUMOTO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

JUSTIN FUKUMOTO, being first duly sworn under oath
deposes and says as follows:

1. I am a named Defendant in this case. I am a former hourly employee with the logistics department of C&S Wholesale Grocer, Inc.'s Hawaii Division ("C&S") in Kapolei, Hawaii.

2. My job title was Distribution Clerk. My duties and responsibilities consisted of paying freight invoices, collecting freight invoices if the vendor was responsible for paying the freight, billing neighbor island vendors for freight costs, and monthly reconciliations. I used the computer at work

to input and gather information and to accomplish these daily tasks.

3. I had no decision-making authority in my position as Distribution Clerk. My superiors included Teresa Noa and Brian Christensen. I did not have any authority or control over what-type of computer software or programs were used by C&S.

4. I have no education, training, experience, or background in computer programming. I have never made any functional or other changes to the spreadsheets or any of the computer programs at C&S. I have never made any functional or other changes to Wayne Berry's Freight Control System or any other program developed by him.

5. I have never received any bonuses or additional compensation for the development of any computer software at C&S.

6. I have never used Plaintiff's Freight Control System after June 9, 2003, when the company shifted to using Excel Spreadsheets.

7. Prior to my employment at C&S, I was an hourly employee with the Fleming Companies, Inc. ("Fleming"). I was employed at Fleming from July, 2001 to July, 2003. My job title was Distribution Clerk and my duties and responsibilities were virtually the same as they were at C&S. I have never received

any bonuses or additional compensation for the development of
any computer software at Fleming.

FURTHER AFFIANT SAYETH NAUGHT.

Justin Fukumoto
JUSTIN FUKUMOTO

Subscribed and sworn to before me
this 23rd day of February 2005.

[Signature]
Notary Public, State of Hawaii
My Commission Expires: 4-9-2008
Print Name: Richard C. Hosoda

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